



U.S. Department of Justice

United States Attorney
Southern District of New York86 Chambers Street, 3rd Floor
New York, New York 10007

August 22, 2007

BY FAX: (914) 390-4085The Honorable Charles L. BRIANT
United States District Judge
United States Courthouse
300 Quarropas St., Room 275
White Plains, NY 10601**RECEIVED***Application Granted*
As Ordered
9/12/07
Charles L. Briant
*USDC*Re: *Duncan v. Sound Shore Medical Center, et al*, 07 Civ. 3094 (CLB)

Dear Judge Briant:

I write to respectfully request an adjournment of the mediation session, currently scheduled for September 6, 2007, in the above-referenced medical malpractice action. I have spoken with counsel for plaintiff, as well as counsel for co-defendant. We are in agreement that it would be more profitable if the mediation session were rescheduled to another date convenient to the Mediation Office prior to December 7, 2007.

The parties believe that discovery has not advanced to the point where mediation is likely to assist settlement. The Government only recently filed its Answer on August 20, 2007, and substantive discovery is at an early stage. No party has yet responded to any document requests or interrogatories, and the Government has not yet had the opportunity to conduct a medical examination of the plaintiff. Accordingly, the parties request that mediation be rescheduled to a date not later than December 7, 2007. The plaintiff and the co-defendant have consented to this request, which is the first request for adjournment of a mediation session in this case.

Thank you for your consideration.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

[Signature]
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cc: **BY FAX**
Court-Appointed Mediator

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